

United States District Court  
for  
Middle District of Tennessee

Report on Offender Under Supervision

Name of Offender: Derrick Smith

Case Number: 3:07-00133

Name of Sentencing Judicial Officer: Honorable William J. Haynes Jr., Chief U.S. District Judge

Date of Original Sentence: January 25, 2010

Original Offense: Convicted Felon in Possession of a Firearm

Original Sentence: 36 months' custody, 36 months' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: September 26, 2011

Assistant U.S. Attorney: William Deneke

Defense Attorney: Patrick Frogge

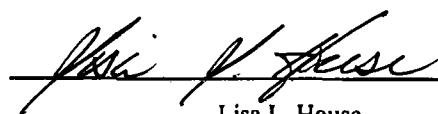
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The Court orders:

No Action Necessary at this Time *as recommended by*  
 Submit a Request for Modifying the Condition or Term of Supervision  
 Submit a Request for Warrant or Summons  
 Other

Considered this 5th day of July, 2013,  
and made a part of the records in the above case.

I declare under penalty of perjury that the  
foregoing is true and correct.  
Respectfully submitted,



Lisa L. House  
U.S. Probation Officer

Place Clarksville, TN

Date August 1, 2013



William J. Haynes Jr.  
Chief U.S. District Judge

## **ALLEGED VIOLATIONS**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<b><u>The defendant shall not commit another federal, state or local crime.</u></b>
2.	<b><u>The defendant shall not leave the judicial district without the permission of the Court of the probation officer.</u></b>

Derrick Smith did not have permission to be in Oak Grove, Kentucky, on June 27, 2013.

### **Compliance with Supervision Conditions and Prior Interventions:**

Derrick Smith was sentenced to 36 months' custody to be followed by 36 months' supervised release for the offense of Convicted Felon in Possession of a Weapon on January 25, 2010. The term of supervised release commenced on September 26, 2011. Mr. Smith is currently unemployed. Mr. Smith was arrested in Clarksville, Tennessee, on October 24, 2012, for the offense of Driving Under the Influence, Violation of Implied Consent, and Simple Possession. This violation was reported to the Court in a petition dated December 11, 2012. The Court issued a summons on January 7, 2013.

A superseding petition was submitted to the Court dated February 12, 2013, alleging that the defendant tested positive for the use of marijuana on January 23, 2013. The Court signed the superseding petition on February 14, 2013. A joint motion to modify the conditions of supervision to include the standard drug treatment program, and to cancel the revocation hearing was signed by the Court on February 14, 2013. Mr. Smith was referred for a substance abuse assessment, and random urine collection continued following the modification of his conditions. He tested positive for the use of marijuana again on February 8, 2013, February 13, 2013, and February 26, 2013. The probation office was not aware of the positive urine screens collected on February 8, 2013, and February 13, 2013, prior to the modification order being signed by the Court. A substance abuse assessment was completed on April 4, 2013. The therapist recommended that Mr. Smith be enrolled in intensive outpatient treatment. He began intensive outpatient substance abuse treatment on June 17, 2013. Urine screens collected on May 14, 2013, June 18, 2013, June 25, 2013, and July 11, 2013, tested negative for the use of controlled substances.

On May 29, 2013, Derrick Smith was sentenced to 11 months 29 days, serve 2 days with balance suspended upon good behavior and probation, complete DUI school, driver's license suspended for 1 year, and pay \$350 fine and cost for the aforementioned offense of Driving Under the Influence. The charges of Implied Consent and Simple Possession were dismissed.

Derrick Smith contacted the probation officer on May 28, 2013, and reported that he was stopped by the police on May 26, 2013, for failure to come to a complete stop at a stop sign. He did not report being cited for Driving on a Suspended License or the Traffic Control violation. The citation was discovered during a criminal record check. Upon contacting Mr. Smith regarding his failure to report the citation issued on May 26, 2013, Mr. Smith stated that he was not aware that his license was in suspended status on May 26, 2013. Mr. Smith offered no explanation regarding his failure to report the citation to the probation officer. He was verbally reprimanded. Mr. Smith reported the citation for Driving on a Suspended License on June 27, 2013, in Oak Grove, Kentucky, to the probation officer in a timely manner. He was aware that his license was in suspended status on June 27, 2013, and that he did not have permission to be outside the district. Mr. Smith advised that he traveled to Oak Grove, Kentucky, to pick up his daughter because he could not find anyone else to pick up the child.

A petition was forwarded to the Court dated June 4, 2013, reporting the defendant's positive urine screens for the use of marijuana on February 8, 2013, February 13, 2013, and February 26, 2013. The probation office recommended that no additional action be taken, and the Court signed the order concurring with this recommendation on June 10, 2013. The probation office was unaware of the May 26, 2013, citation for Driving on Suspended License, and the Traffic Control violation when the petition dated June 4, 2013, was prepared.

**U.S. Probation Officer Recommendation:**

Mr. Smith was enrolled in intensive outpatient substance abuse treatment on June 17, 2013, and will continue to submit to random drug testing. He has been instructed not to drive without a valid driver's license. Should he fail to submit to treatment as directed or if there are any additional law violations, or positive urine screens, a separate petition will be prepared with a request for revocation proceedings to be initiated.

This case has been discussed with Assistant U.S. Attorney William Deneke who agrees with the probation officer's current recommendation.

Approved:



Vidette Putman

Supervisory U.S. Probation Officer